IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

OP.No. 23760 of 2000(C)

PETITIONER:

E.V.PARAMESWARAN, SALES ASSISTANT,
KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.
ERNAKULAM REGION.

BY ADV. SRI.K.K.APPU
SRI.ELDHO K.MATHEW

RESPONDENTS:
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1. KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.
REPRESENTED BY ITS MANAGING DIRECTOR,
K.S.H.D.C. LTD, CANANNOOR -1.

2. MANAGER ADMINISTRATION, KERALA STATE HANDLOOM
DEVELOPMENT CORPORATION LTD., CANANNOOR -1.

3. FINANCE MANAGER, DO.
DO. DO.

4. REGIONAL MANAGER, ERNAKULAM REGION,
KERALA STATE HANDLOOM DEVELOPMENT CORPORATION LTD.

BY ADV.SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.40023 OF 2000 IN OP NO.23760 OF 2000 L

//DISMISSED//

29.5.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF LETTER NO.A2/260/99-200 DATED 31.8.99.

EXT.P2: TRUE COPY OF INTER OFFICE MEMO DATED 23.8.99.

EXT.P3: TRUE COPY OF REPRESENTATION DATED 7.9.99 SUBMITTED BY THE PETITIONER TO THE R.O. THIRUVANANTHAPURAM.

EXT.P3: TRUE COPY OF REPRESENTATION DATED 10.11.99 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P4: TRUE COPY OF LETTER NO.TR/ADV/99/2000 DATED 7.10.99 ISSUED FROM THIRUVANANTHAPURAM R.O TO 4TH RESPONDENT.

EXT.P5: TRUE COPY OF RECEIPT DATED 6.12.99 ISSUED TO THE PETITIONER.

EXT.P6: REPRESENTATION DATED 18.11.99 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P7: REPRESENTATION DATED 18.7.2000 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P8: TRUE COPY OF ORDER DATED 7.8.2000 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

EXT.R1(a): TRUE COPY OF THE LETTER NO.TR/ADV./2408-00-01/1038 DATED 8.11.2000 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

THOTTATHIL B. RADHAKRISHNAN, J

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O.P.No. 23760 of 2000

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Dated this the 29th day of May, 2007

J U D G M E N T

The petitioner is a Sales Assistant in the service of the first respondent. Sometime in 1987, the first respondent proceeded to expend certain funds in connection with the working of the Regional Office at Ernakulam. The petitioner was entrusted with an amount of Rs.5,000/-. Similar such advances were also taken by certain other Sales Assistants. More than 10 to 11 years thereafter, the petitioner was required to remit the advance receipt. He took the stand that he needs to be shown the records to be satisfied that the amounts have not been duly proved to have been expended. Going by the pleadings in the writ petition and the submissions made on this behalf, it appears to be his case that there were supervisory staff co-ordinating the work and the petitioner had entrusted materials in proof of expenditure. The counter affidavit placed on record and the pleadings of the petitioner together disclose unequivocally the

receipt of Rs.5,000/- by the petitioner. But, may be due to appropriate clarity in the matter of the explanation given by the petitioner and his inability to peruse the documents, the materials regarding expenditure of the amount of Rs.5,000/- does not appear to have been resolved or urged that by the Manager or employer of the petitioner.

2. While noticing that the claim made by the first respondent is more than one decade after the petitioner was entrusted with an amount of Rs.10,000/- and because this writ petition had been pending for nearly seven years by now, I deem it appropriate that the Managing Director of the first respondent will give an opportunity to the petitioner to make a personal submission with reference to the records and, as to whom he had entrusted the vouchers etc., regarding the expenditure. The Managing Director will take appropriate decision, having regard to the totality and services including the time lag and small amount involved, as also the category to which the petitioner belongs. It is also stated that he is due to retire in a short time. It appears to be explicit that no case of misappropriation is being pushed against the petitioner. Under such circumstances, it may also be

within the authority of the management to consider the writing off any claim in that regard as a final decision in the above matter will be taken by the first respondent in accordance with law and after affording the petitioner an opportunity of being heard. Let that be done on production of the copy of the judgment and representation of the petitioner in that regard.

Writ petition disposed of.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 23760 of 2000

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J U D G M E N T

29th May, 2007